

TENTATIVE RULINGS for CIVIL LAW and MOTION

March 19, 2010

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6941

TENTATIVE RULING

Case: **Hoskins Mechanical v. Cal Ram**

Case No. CV CV 09-1509

Hearing Date: **March 19, 2010** **Department Fifteen** **9:00 a.m.**

Defendant Cal Ram Construction Company's unopposed motion to compel plaintiff Hoskin Mechanical to respond to form interrogatories, special interrogatories, and demands for inspection are **GRANTED**. (Code Civ. Proc., §§ 2030.290 and 2031.300.) Plaintiff shall serve verified answers to the above-listed discovery requests (together with any responsive documents), without objection, by March 29, 2010.

The request for monetary sanctions against plaintiff is **GRANTED** in the amount of \$665.00. (Code Civ. Proc., §§ 2030.300, subd. (d), 2031.300, subd. (c).)

Defendant shall serve plaintiff with a copy of this ruling by no later than March 22, 2010.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Munro v. Bio-Rad Laboratories, Inc. et al.**

Case No. CV CV 09-2841

Hearing Date: **March 19, 2010** **Department Fifteen** **9:00 a.m.**

The motion to quash summons and complaint for lack of personal jurisdiction and defective service brought by Defendant PerkinElmer B.V., erroneously named as PerkinElmer Life and Analytical Sciences, B.V. is **MOOT**. Plaintiff filed a request for dismissal of the complaint without prejudice as to defendant PerkinElmer B.V. on March 9, 2010.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **People v. \$750.00**
Case No. CV PT 06-277
Hearing Date: **March 19, 2010** **Department Fifteen** **9:00 a.m.**

The People are directed to appear to advise the Court if the issue of forfeiture was determined in the related criminal action Yolo Superior Court case number CR 06-3020. "In the case of property described in paragraphs (1) and (2), a judgment of forfeiture requires as a condition precedent thereto, that a defendant be convicted in an underlying or related criminal action of an offense specified in subdivision (f) or (g) of Section 11470 which offense occurred within five years of the seizure of the property subject to forfeiture or within five years of the notification of intention to seek forfeiture. If the defendant is found guilty of the underlying or related criminal offense, the issue of forfeiture shall be tried before the same jury, if the trial was by jury, or tried before the same court, if trial was by court, unless waived by all parties. The issue of forfeiture shall be bifurcated from the criminal trial and tried after conviction unless waived by all the parties." (Health & Saf. Code, § 11488.4, subd. (i)(3).)

The claimant entered a plea of no contest to count 1, possession of controlled substance for sale (Health & Saf. Code, § 11378) in the related criminal action. It is not clear from the record if the issue of forfeiture was also tried by the Court.

TENTATIVE RULING

Case: **Phipps v. Starkey**
Case No. CV PM 09-2494
Hearing Date: **March 19, 2010** **Department Fifteen** **9:00 a.m.**

Plaintiff Abigail Phipps' motion for trial preference under Code of Civil Procedure section 36(b) is **GRANTED**. The parties shall appear for a case management conference on March 25, 2010, in Department 10, at 1:30 p.m. for trial setting.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.